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WEST GERMANY: President Heinemann yesterday signed the implementing legislation on the East - West German basic relations treaty. Heinemann acted after the Constitutional Court decided on 5 June not to accept the Bavarian state government's petition to enjoin signature until the court ruled on the treaty's constitutionality.

The treaty could come into effect soon after 13 June when the East German parliament will probably ratify it, if Bonn and Pankow choose to exchange the instruments of ratification. The court, although declining to block signature, did agree to rule on the pact's constitutionality. This ruling is scheduled to be made by 31 July. If the treaty is already in effect at that time, the court's ultimate ruling would not affect the treaty. Agreements in force between West Germany and other states are outside the competence of the court.

Bonn, however, may choose to await the court's ruling. Chancellor Brandt and other government officials have expressed confidence that the court will find the treaty constitutional, and they may wish to avoid the impression of acting opportunistically. Bonn might also believe that it is possible to reach agreement with the East Germans to defer action on related matters, such as submitting application for UN membership, until the court renders its decision. Herbert Wehner, the parliamentary floor leader of the ruling Social Democratic Party, stated after his visit to East Berlin last week that he did not expect the delay on the treaty to affect the East German agreement not to apply for membership before the treaty comes into effect. Bonn, however, is formulating contingency plans in the event Pankow does not wish to delay application to the UN. [redacted]

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EUROPEAN COMMUNITIES: The Council of Ministers appears closer to agreement on its over-all approach to the multilateral trade negotiations.

French Foreign Minister Jobert raised hopes on 4 June when he described the Commission's draft as "excellent" and its second draft as "even more excellent," according to a Community official. The Commission must still redraft its proposals for the next Council meeting and must take recently proposed tough French amendments into account. Council members, nonetheless, now generally believe that final agreement at the Council meeting on 25-26 June is possible. The French amendments may have been designed in part to strengthen Pompidou's bargaining position prior to the Reykjavik summit.

The ministers still have four major points to settle. They are uncertain how decisions on trade can be put into effect until an adequate international monetary reform agreement has been reached. They disagree whether there should be uniform reduction in tariffs, or whether some very high tariffs should be singled out for greater cuts while other tariffs might be raised. The approach to agriculture is also still controversial, as is the provision for safeguards against disruptive foreign competition.

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